WEST virginia legislature

2025 regular session

ENROLLED

Committee Substitute

for

House Bill 3411

By Delegates Hanshaw (Mr. Speaker), Gearheart, Riley, and Rohrbach

[Passed April 12, 2025; in effect from passage]

AN ACT to repeal §4-7-1, §4-7-2, §4-7-3, §4-7-4, §4- 7-5, §4-7-6, §4-7-7, §4-7-8, §4-7-9, §4-7-10 and §4-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §4-10-3 of said code; to repeal §4-10-4 of said code; to amend and reenact §4-10-5, §4-10-6, §4-10-7, §4-10-9, §4-10-11 and §4-10-13 of said code; to repeal §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6, and §4-13-7 of said code; to amend and reenact §4-14-1, §4-14-2, and §4-14-3 of said code; to repeal §4-15-1 of said code; to amend and reenact §5-24-3 of said code; to amend and reenact §5B-2B-2 of said code; to repeal §5B-2B-4a of said code; to repeal §5B-2B-7 of said code; to amend and reenact §5B-3-2 of said code; to repeal §12-6D-4 of said code; to repeal §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-9C-5 and §15-9C-6 of said code; to repeal §16-29E-4 of said code; to repeal §17-2B-1, §17-2B-2, §17-2B-3, §17-2B-4, §17-2B-5 and §17-2B-6 of said code; to repeal §18B-14-1 and §18B-14-9 of said code; to repeal §21-5E-1, §21-5E-2, §21-5E-3, §21-5E-4, §21-5E-5 and §21-5E-6 of said code; to repeal §22-26-5 of said code; to repeal §29-1B-1, §29-1B-2, §29-1B-3, §29-1B-4, §29-1B-5, §29-1B-6 and §29-1B-7 of said code; to amend and reenact §29A-3A-11 of said code; and to repeal §31-20-26 of said code, relating to commissions; removing legislative members; making technical changes throughout; and eliminating expired commissions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. LEGISLATIVE BUILDING COMMISSION.**

**§4-7-1. Definitions.**

[Repealed.]

**§4-7-2. Legislative building commission created; its composition; appointment of members; vacancies; election of officers; compensation and expenses of members.**

[Repealed.]

**§4-7-3. Powers and duties of commission generally.**

[Repealed.]

**§4-7-4. Commission granted power of eminent domain.**

[Repealed.]

**§4-7-5. Funds and expenditures of commission.**

[Repealed.]

**§4-7-6. Deposit and disbursement of funds of commission; security for deposits; audits.**

[Repealed.]

**§4-7-7. Contracts for construction of state legislative building, etc.; to be secured by bond; competitive bids required for contracts exceeding $2,000; procedure.**

[Repealed.]

**§4-7-8. Management and control of state legislative building.**

[Repealed.]

**§4-7-9. Article not authority to create state debt.**

[Repealed.]

**§4-7-10. This article, article six, chapter five, and the state Constitution are only restrictions on construction, etc., of building.**

[Repealed.]

**§4-7-11. Severability.**

[Repealed.]

**ARTICLE 10. PERFORMANCE REVIEW ACT.**

**§4-10-3. Definitions.**

As used in this article, unless the context clearly indicates a different meaning:

"Agency" or "state agency" means a state governmental entity, including any bureau, department, division, commission, agency, committee, office, board, authority, subdivision, program, council, advisory body, cabinet, panel, system, task force, fund, compact, institution, survey, position, coalition or other entity in the state of West Virginia.

"Agency review" means a review performed on an agency at the direction of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee pursuant to the provisions of this article.

"Committee" means the Joint Standing Committee on Government Organization.

"Compliance review" means a review for compliance with recommendations contained in a previous agency review or regulatory board review conducted pursuant to the provisions of this article and may include further inquiry of other issues as directed by the President, the Speaker, the committee, or the Joint Committee on Government and Finance.

"Department" means the departments created within the executive branch, headed by a secretary appointed by the Governor, as authorized by the Code of West Virginia.

"Department presentation" means a presentation by a department pursuant to the provisions of this article made at the direction of the President of the Senate or the Speaker of the House of Delegates.

"Division" means the Performance Evaluation and Research Division, the Post Audit Division, or any division of the Legislative Auditor's Office.

"Privatize" means a contract to procure the services of a private vendor to provide a service that is similar to, or in lieu of, a service provided by a state agency.

"Regulatory Board" means a board that regulates professions and occupations, created under the provisions of chapter 30 of this code.

"Regulatory Board Review" means a review performed on a regulatory board pursuant to the provisions of this article.

**§4-10-4. Joint Committee on Government Operations.**

[Repealed.]

**§4-10-5. Powers and duties of the committee.**

(a) To carry out the duties set forth in this article, the committee, any authorized employee of the committee, the Legislative Auditor or any employee of the division working at the direction of the committee, shall have access, including copying, to all records of every state agency in West Virginia.

(b) When furnishing information, agencies shall provide the information in the format in which it is requested, if the request is specific as to a preferred format.

(c) The committee may hold public hearings in furtherance of the purposes of this article, at such times and places within the state as desired. A member of the committee may administer oaths to persons testifying at such hearings or meetings.

(d) The committee may issue a subpoena, with the signature of either cochair of the committee and served in the manner provided by law, to summon and compel the attendance of witnesses and their examination under oath and the production of all books, papers, documents and records necessary or convenient to be examined and used by the committee in the performance of its duties.

(e) If any witness subpoenaed to appear at any hearing or meeting refuses or fails to appear or to answer questions put to him or her, or refuses or fails to produce books, papers, documents or records within his or her control when the same are demanded, the committee, in its discretion, may enforce obedience to its subpoena by attachment, fine or imprisonment, as provided in article one of this chapter, or may report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and the court shall compel obedience to the subpoena as though it had been issued by the court.

(f) Witnesses subpoenaed to attend hearings or meetings pursuant to the provisions of this article, except officers or employees of the state, shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury.

(g) The committee, subject to the approval of the Joint Committee on Government and Finance, may employ such persons as it considers necessary to carry out the duties and responsibilities under this article and may contract for outside expertise in conducting reviews.

(h) The committee may collect, and the agency or regulatory board shall promptly pay, the costs associated with conducting the reviews performed under this article, upon presentation of a statement for the costs incurred. All money received by the committee from this source shall be expended only for the purpose of covering the costs associated with such services, unless otherwise directed by the Legislature.

**§4-10-6. Department presentation; timing and scope.**

(a) At the direction of the President of the Senate or the Speaker of the House of Delegates, and upon notification from the division, a department shall prepare and make a presentation to the committee. The purpose of the presentation is to inform the Legislature as to the programs, activities, and financial situation of the department and to update and amend any information previously presented to the committee pursuant to this section. The presentation shall include:

(1) A departmental chart designating each agency under the purview of the department;

(2) An analysis of the department's internal performance measures and self-assessment systems; and

(3) For each agency under the purview of the department, the following:

(A) The mission, goals, and functions of the agency;

(B) The statutory or other legal authority under which the agency operates;

(C) The number of employees of the agency for the immediate past 10 years;

(D) The budget for the agency for the immediate past 10 years;

(E) Any potential or actual loss of revenue due to operations, changes in law, or any other reason;

(F) The extent to which the agency has operated in the public interest;

(G) The extent to which the agency has complied with state personnel practices, including affirmative action requirements;

(H) The extent to which the agency has encouraged public participation in the making of its rules and decisions and has encouraged interested persons to report to it on the impact of its rules and decisions on the effectiveness, economy, and availability of services that it has provided;

(I) The efficiency with which public inquiries or complaints regarding the activities of the agency have been processed and resolved;

(J) The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency to better serve the interests of the public and to comply with the factors enumerated in this subsection; and

(K) A recommendation as to whether the agency should be continued, consolidated, or terminated.

**§4-10-7. Agency review.**

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(b) The agency review may include, but is not limited to:

(1) An identification and description of the agency under review;

(2) The number of employees of the agency for the immediate past 10 years;

(3) The budget for the agency for the immediate past 10 years;

(4) Whether the agency is effectively and efficiently carrying out its statutory duties or exercising its legal authority;

(5) Whether the activities of the agency duplicate or overlap with those of other agencies and, if so, how these activities could be consolidated;

(6) A cost-benefit analysis, as described in subsection (d) of this section, on state services that are privatized or contemplated to be privatized;

(7) An assessment of the utilization of information technology systems within the agency, including interagency and intra-agency communications;

(8) An analysis of any issues raised by any presentation by the department under whose purview the agency falls made pursuant to the provisions of this article;

(9) An analysis of any other issues as the committee, the President of the Senate, or the Speaker of the House of Delegates may direct; and

(10) A recommendation as to whether the agency under review should be continued, consolidated, or terminated.

(c) An agency may be subject to a compliance review pursuant to the provisions of this article.

(d) A cost-benefit analysis authorized by this section may include:

(1) The tangible benefits of privatizing the service;

(2) Any legal impediments that may limit or prevent privatization of the service;

(3) The availability of multiple qualified and competitive private vendors; and

(4) A cost comparison, including total fixed and variable, direct and indirect, costs of the current governmental operation and the private vendor contract.

**§4-10-9. Regulatory board review.**

(a) The division shall conduct regulatory board reviews on each regulatory board to ascertain if there is a need for the continuation, consolidation, or termination of the regulatory board as one of its duties.

(b) A regulatory board review shall be performed on each regulatory board at least once every 12 years. A regulatory board may be subject to a compliance review pursuant to the provisions of this article.

(c) When a new regulatory board is created, a date for a regulatory board review shall be included in the act that creates the board, within 12 years of the effective date of the act.

(d) The regulatory board review may include:

(1) Whether the board complies with the policies and provisions of chapter 30 of this code and other applicable laws and rules;

(2) Whether the board follows a disciplinary procedure which observes due process rights and protects the public interest;

(3) Whether the basis or facts that necessitated the initial licensing or regulation of a profession or occupation have changed, or other conditions have arisen that would warrant increased or decreased regulation;

(4) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates;

(5) Whether statutory changes are necessary to improve board operations to enhance the public interest;

(6) An analysis of any other issues the committee, the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(7) A recommendation as to whether the regulatory board under review should be continued, consolidated, or terminated.

**§4-10-11. Compliance review.**

(a) After an agency review or a regulatory board review, if the committee finds that an agency or a regulatory board needs further review, then the committee may request a compliance review.

(b) If the committee requests a compliance review for an agency or a regulatory board, then it must state, in writing, the specific reasons for the compliance review and its expected completion date.

**§4-10-13. Disposition of agency or regulatory board assets, equipment and records after termination.**

(a) On or before June 30 of the wind-up year, the terminated agency or regulatory board shall file a written statement with the Secretary of the Department of Administration and the division describing the disposition of its funds, assets, equipment and records.

(b) The division shall review the statement of the terminated agency or regulatory board and report the results of its review to the committee.

(c) Any unexpended funds of the terminated agency or regulatory board shall revert to the fund from which they were appropriated or, if that fund is abolished, to the General Revenue Fund.

(d) All remaining assets and equipment of a terminated agency or regulatory board shall be transferred to the secretary of the department of which it was a part or to the state agency for surplus property in the Department of Administration.

(e) The records of a terminated agency or regulatory board shall be deposited with the Department of Administration.

**ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.**

**§4-13-1. Findings; West Virginia Sesquicentennial of the American Civil War Commission established; purpose.**

[Repealed.]

**§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.**

 [Repealed.]

**§4-13-3. Expense reimbursement.**

[Repealed.]

**§4-13-4. Quorum; meetings.**

[Repealed.]

**§4-13-5. Advisory council.**

[Repealed.]

**§4-13-6. Powers; duties; limitation on duration of contracts.**

[Repealed.]

**§4-13-7. Termination of the commission.**

[Repealed.]

**ARTICLE 14. LEGISLATIVE OVERSIGHT COMMISSION ON DEPARTMENT OF TRANSPORTATION ACCOUNTABILITY.**

**§4-14-1. Findings, purpose and intent.**

(a) The Legislature finds that:

(1) Investment in infrastructure is crucial to the well-being of West Virginians and West Virginia businesses;

(2) The state must spend funds wisely on infrastructure in order to get the best return on investment and must make long-term plans for investment;

(3) The federal government is an unpredictable and unreliable partner in providing consistent funding for infrastructure investment;

(4) The Legislature directed a Division of Highways performance and efficiency audit in 2015; and

(5) In order to maintain proper oversight to ensure that sufficient transportation planning is made, funds are spent wisely and efficiently, and the Department of Transportation is functioning appropriately, it shall report to the Legislative Oversight Commission on Department of Transportation Accountability.

(b) It is the intent of the Legislature that all actions taken pursuant to the provisions of this article by the Legislature and the Department of Transportation serve the following core set of principles:

(1) That all Department of Transportation infrastructure investments be coordinated to maximize efficiencies and minimize cost thereby addressing the needs of the citizens more effectively;

(2) That communication be facilitated among the various agencies within the Department of Transportation and between the department and the Legislature;

(3) That policy changes, not made by legislative rule, be discussed with the commission for purposes of coordinating those policies with stated goals;

(4) That programs or policies implemented in accordance with federal mandates be communicated to the commission;

(5) That in developing and implementing programs with private or federal grant moneys, the various agencies communicate their efforts to the commission to ensure and facilitate future state funding; and

(6) That any Department of Transportation agencies exempted from rule-making review by federal or state statutes advise the commission of program changes which may affect infrastructure investment in West Virginia.

**§4-14-2. Definitions.**

As used in this article:

(1) "Agency" means each agency, authority, board, committee, commission or division of the Department of Transportation;

(2) "Commission" means the Legislative Oversight Commission on Transportation Accountability; and

(3) "Department" means the Department of Transportation.

**§4-14-3. Creation of a Legislative Oversight Commission on Department of Transportation Accountability.**

(a) There is hereby created a joint commission of the Legislature known as the Legislative Oversight Commission on Department of Transportation Accountability. The commission shall be composed of an equal number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates.

(b) Members of the commission shall receive such compensation and expenses as provided in article two-a, chapter four of this code, subject to the approval by the Joint Committee on Government and Finance.

**ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.**

**§4-15-1. Establishing a Joint Legislative Committee on Flooding.**

[Repealed.]

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 24. WEST VIRGINIA FOREST MANAGEMENT REVIEW COMMISSION.**

**§5-24-3. Commission continued; composition; appointment of members.**

The West Virginia Forest Management Review Commission is continued for the purposes set forth in this article. This commission shall be comprised of an equal number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates, and four members to be representatives from the commercial forest industry in the state, and three members of the public-at-large. The members shall be appointed by the Governor, with the advice and consent of the Senate. The successor of each such appointed member shall be appointed for an overlapping term of six years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only to the remainder of such term. Each board member shall serve until the appointment of his or her successor.

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

**ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.**

**§5B-2B-2. Definitions.**

As used in this article, the following terms have the following meanings, unless the context clearly indicates otherwise:

"Board" means the West Virginia Workforce Development Board.

"Commission" or "Legislative Oversight Commission" means the Legislative Oversight Commission on Workforce Investment for Economic Development.

"Local area" means a local workforce investment area.

"Local board" means a local workforce development board.

"Team" means the workforce investment interagency collaborative team.

"WIOA" means the Workforce Innovation and Opportunity Act, 29 U. S. C. §3101, *et seq.*

**§5B-2B-4a. Report to Legislature.**

[Repealed.]

**§5B-2B-7. Legislative oversight commission on workforce investment for economic development.**

[Repealed.]

**ARTICLE 3. WEST VIRGINIA ECONOMIC DEVELOPMENT STRATEGY: A VISION SHARED.**

**§5B-3-2. The Joint Commission on Economic Development.**

(a) The joint commission on economic development is hereby continued. The commission shall be comprised of an equal number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates.

The commission may explore how West Virginia can:

(1) Invest in systems that build workforce skills and promote lifelong learning to ensure a competitive workforce;

(2) Enhance the infrastructure, communications and transportation needed to support the knowledge-based industries and electronic commerce;

(3) Reorganize government to deliver services more efficiently, using technology, privatization and partnerships with the private sector;

(4) Align state tax systems to meet the demands of the twenty-first century economy;

(5) Develop more uniform regulatory and tax systems to reduce complexity, eliminate market distortions and better protect consumers;

(6) Support entrepreneurs by streamlining business regulations, providing timely decisions and assisting firms in their search for venture capital;

(7) Promote university policies that encourage research and development and build intellectual infrastructure;

(8) Address quality-of-life concerns to attract new businesses and workers; and

(9) Accomplish the goals set forth in this article and any other goal related to economic development or workforce investment that the commission considers important.

 (b) The commission may propose legislation necessary to accomplish its goals.

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

**§12-6D-4. Steering Committee created; powers and authority.**

[Repealed.]

**CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 9C. WEST VIRGINIA SENTENCING COMMISSION.**

**§15-9C-1. Legislative findings.**

[Repealed.]

**§15-9C-2. Creation of Sentencing Commission; purpose; composition.**

[Repealed.]

**§15-9C-3. Powers and duties of the commission.**

[Repealed.]

**§15-9C-4. Objectives of the commission.**

[Repealed.]

**§15-9C-5. Recommendations to Legislature.**

[Repealed.]

**§15-9C-6. Sunset.**

[Repealed.]

**CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY.**

**§16-29E-4. Creation of a Legislative Oversight commission on health and human resources accountability.**

[Repealed.]

**CHAPTER 17. ROADS AND HIGHWAYS.**

**ARTICLE 2B. TOLL ROAD STUDY COMMISSION.**

**§17-2B-1. Legislative findings and purposes.**

[Repealed.]

**§17-2B-2. Toll road study commission created; composition; appointment of members; chairman.**

[Repealed.]

**§17-2B-3. Compensation and expenses of commission members; expenses of commission.**

[Repealed.]

**§17-2B-4. Powers and duties of the commission.**

[Repealed.]

**§17-2B-5. Meetings of the commission; quorum.**

[Repealed.]

**§17-2B-6. Interpretation of article; termination of commission.**

[Repealed.]

**CHAPTER 18B. HIGHER EDUCATION.**

**ARTICLE 14. MISCELLANEOUS.**

**§18B-14-1. Select committee on outcomes-based funding models in higher education.**

[Repealed.]

**§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.**

[Repealed.]

**CHAPTER 21. LABOR.**

**ARTICLE 5E. EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES.**

**§21-5E-1. Legislative findings and purpose.**

[Repealed.]

**§21-5E-2. Definitions.**

 [Repealed.]

**§21-5E-3. Discrimination between sexes in payment of wages for work of comparable character prohibited.**

 [Repealed.]

**§21-5E-4. Employee's right of action against employer.**

 [Repealed.]

**§21-5E-5. Establishment of the Equal Pay Commission; appointment of members.**

 [Repealed.]

**§21-5E-6. Commissions duties; promulgation of rules.**

 [Repealed.]

**CHAPTER 22. ENVIRONMENTAL RESOURCES.**

**ARTICLE 26. WATER RESOURCES PROTECTION ACT.**

**§22-26-5. Joint Legislative Oversight Commission on State Water Resources.**

 [Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 1B. COMMISSION ON INTERSTATE COOPERATION.**

**§29-1B-1. Senate committee on interstate cooperation.**

 [Repealed.]

**§29-1B-2. House committee on interstate cooperation.**

[Repealed.]

**§29-1B-3. West Virginia commission on interstate cooperation.**

 [Repealed.]

**§29-1B-4. Terms of Senate and House committees.**

[Repealed.]

**§29-1B-5. Function of commission.**

 [Repealed.]

**§29-1B-6. Commission may establish delegations and committees.**

[Repealed.]

**§29-1B-7. Names of committees and commission.**

 [Repealed.]

**CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT.**

**ARTICLE 3A. HIGHER EDUCATION RULE MAKING.**

**§29A-3A-11. Creation of a legislative oversight commission on education accountability.**

(a) There is hereby created a joint commission of the Legislature known as the Legislative Oversight Commission on Education Accountability to review all legislative rules of the agency and other rules as the commission deems appropriate. The commission shall be composed of an equal number of senator and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates. Members of the commission shall receive compensation and expenses as provided in §4-2A-1 *et seq.* of this code, subject to approval of the Joint Committee on Government and Finance.

The commission may adopt rules of procedure as it considers necessary for the submission, presentation, and consideration of rules.

**CHAPTER 31. CORPORATIONS.**

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.**

**§31-20-26. Legislative oversight committee.**

[Repealed.]

 The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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 *Clerk of the House of Delegates*

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 *Clerk of the Senate*

Originated in the House of Delegates.

In effect from passage.

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 *Speaker of the House of Delegates*

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 *President of the Senate*

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Day of ..........................................................................................................., 2025.

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 *Governor*